

ODP 1188-77
17 JUN 1977

MEMORANDUM FOR: Assistant for Information, DDA

FROM : Clifford D. May, Jr.
Director of Data Processing

SUBJECT : Presidential Review of the Classification System

REFERENCE : Your Memo, dtd 9 June 1977, Same Subject

1. The reference requested comments and suggestions on the present national security classification system or on any of the specific points outlined for study in PRM/NSC-29. ODP's comments are contained in the following paragraphs.

2. The PRM asks the committee to consider how the classification system can be simplified and to consider what kinds of disciplinary actions can be taken to prevent the misuse of the classification system. We suggest that the new EO contain a requirement that federal departments and agencies prepare classification and declassification guidelines for their employees. And that the emphasis be on classification guidelines since EO 11652 has well defined declassification procedures. Within CIA, classification guidelines should specify the types of information covered by each of the three security classification categories. This type of classification guideline is available for the various compartmented systems but is lacking in the collateral area.

3. EO 11652 does not adequately address data that is stored on and processed by automatic data processing equipment (ADPE). The new Executive Order should provide specific guidance which would answer the following questions:

- Should classification and control markings be stored with data processed by ADPE?
- If the answer to the above question is affirmative, should the requirement include all data that is now stored on ADPE or should it only include data entered after the date of the EO?

- Are classified reports produced on ADPE covered by all the requirements for marking classified material, including paragraph marking?
- If classified data processed by ADPE must have classification and control markings stored with the data, must these markings be updated whenever declassification or downgrading takes place?
- If so, does this requirement include data stored on magnetic tape or other media for archival or backup purposes?

4. ODP requests that the above questions be included in the material forwarded to the Agency representative on the interagency committee. The answers to these questions will have significant impact upon all ADP activities in the Intelligence Community. The 15 September 1977 deadline may not allow sufficient time to study the problem of data stored on ADPE. If not, we suggest that the interagency committee consider publishing an annex to the new Executive Order that specifically addresses data stored on and processed by ADPE.

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William G. May, Jr.

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ODP # 1131-77

DDA 77-3353

9 JUN 1977

MEMORANDUM FOR: Director of Communications
Director of Data Processing
Director of Finance
Director of Logistics
Director of Medical Services
Director of Personnel
Director of Security
Director of Training
Chief, Information and Privacy Staff
Chief, Information Systems Analysis Staff

FROM : [REDACTED]
Assistant for Information, DDA

SUBJECT : Presidential Review of the Classification
System

1. Attached is a copy of PRM/NSC-29, signed by the President on 1 June, establishing an interagency committee to write a new Executive order on national security classification to replace EO 11652. Mr. [REDACTED] Associate General Counsel, is the CIA representative to this committee. In addition, Mr. [REDACTED] will represent the Intelligence Community Staff.

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2. Over the past 5 years since EO 11652 was issued, people have complained about the apparently conflicting requirements and provisions of that order. This new committee and the Agency's participation provides us with an opportunity to make our views known and perhaps have an input into the new guidelines under which we will operate in the future. Your comments and suggestions on the present national security classification system or on any of the specific points outlined for study in the PRM would be appreciated. Please forward these to me by 17 June so that a meaningful package can be assembled for the Agency's committee representative.

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Attachment: a/s

cc: Associate General Counsel

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June 1, 1977

Presidential Review Memorandum/NSC-29

TO: The Vice President
The Secretary of State
The Secretary of Defense

ALSO: The Attorney General
The Director, Office of Management and Budget
The Chairman, Joint Chiefs of Staff
The Director of Central Intelligence
The Administrator, Energy Research and
Development Administration
The U.S. Representative to the United Nations
The Archivist of the United States
The Counsel to the President

SUBJECT: A Comprehensive Review of the Classification
System

In order to provide for greater openness in government while at the same time effectively protecting sensitive national security information, I direct that a new Executive Order be prepared to replace Executive Order 11652. This new order should establish the government's policies with respect to the classification, protection and declassification of national security information and material.

The new Executive Order should be prepared by an ad hoc committee co-chaired by a member of the National Security Council Staff and the Domestic Council Staff. This Committee should consider:

--How to provide for the maximum release of information to the American public on government activities and policies consistent with the need to protect sensitive national security information;

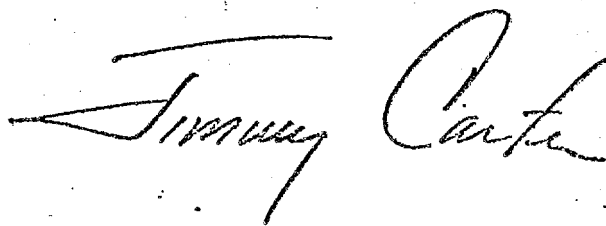
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- How to promote increased public access to this information through a more rapid and systematic declassification program;
- Overlaps between the new Executive Order and the Freedom of Information Act as amended and the Privacy Act;
- Which information requires protection and for how long and what criteria should be used in making this judgment;
- Which categories of classified material more than 20 years old could be declassified in bulk under appropriate guidelines;
- How the classification system can be simplified to make it more understandable and easier to implement;
- How unnecessary and duplicative practices and procedures can be eliminated, reducing expenses;
- Whether the Departments and Agencies should prepare classification and declassification guidelines for their employees;
- What kinds of disciplinary actions can be taken to prevent the misuse of the security classification system by government officials.

The ad hoc Committee should carefully consider how best to implement the provisions of the new Executive Order. In this respect they should examine the role and the effectiveness of the Interagency Classification Review Committee.

The new Executive Order should be ready for my signature by September 15, 1977.

This Presidential Review Memorandum supersedes National Security Study Memorandum 229.



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